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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

IN RE CAPACITORS ANTITRUST  
LITIGATION

THIS DOCUMENT RELATES TO:  
DIRECT PURCHASER ACTIONS

CASE NO. 3:14-cv-03264-JD

**MEMORANDUM OF SETTLING  
DEFENDANTS IN SUPPORT OF MOTION  
FOR FINAL APPROVAL OF  
SETTLEMENTS [DKT. NO. 1461]**

Hearing date: March 2, 2017  
Hearing time: 10:00 a.m.  
Location: Courtroom 11, 19th Floor

Defendants Fujitsu Limited, NEC Tokin Corporation, NEC Tokin America, Inc., Nitsuko Electronics Corporation, Okaya Electric Industries Co., Ltd, and Okaya Electric America, Inc., (the “Settling Defendants”) support the Direct Purchaser Plaintiffs’ Motion for Final Approval of Proposed Settlements (Dkt. No. 1461) (“DPP Motion”).<sup>1</sup>

Settling Defendants write separately to inform the Court that they are addressing certain issues with DPPs and hope to resolve them prior to the March 2, 2017 Final Approval Hearing.

*First*, Settling Defendants and DPPs are negotiating the content of the proposed final approval order and proposed final judgments as to each Settling Defendant. Settling Defendants and DPPs intend to file these proposals in advance of the Final Approval Hearing. The revised proposals will supersede the previously-filed proposals (Dkt. Nos. 1461-7 through 1461-11 and 1469).

*Second*, the opt-out deadline was yesterday, and the Settling Defendants and DPPs are now conferring regarding the composition of the Settlement Class. Settling Defendants and DPPs expect that once the composition is known, the Settling Defendants will evaluate whether any termination provision may be triggered. Settling Defendants will inform the Court prior to the Final Approval Hearing whether any defendant intends to rescind its settlement with DPPs or will confirm that no Settling Defendant intends to do so.

Dated: February 14, 2017

By: /s/ George A. Nicoud III  
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<sup>1</sup> Settling Defendants have been unable to confirm that ROHM Company, Ltd., and ROHM Semiconductor U.S.A., LLC intend to join this filing.

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Pursuant to Civil Local Rule 5.1(i)(3), I attest that all other signatories listed, and on whose behalf this filing is submitted, concur in the filing's content and have authorized the filing.

Dated: February 14, 2017

/s/ George A. Nicoud III

**CERTIFICATE OF SERVICE**

I, Matthew Parrott, declare as follows:

I am employed in the County of Orange, State of California, I am over the age of eighteen years and am not a party to this action; my business address is 3161 Michelson Drive, Irvine, CA, 92618-4412, in said County and State. On February 14, 2017, I served the following document(s):

**MEMORANDUM OF SETTLING DEFENDANTS IN SUPPORT OF MOTION  
FOR FINAL APPROVAL OF SETTLEMENTS [DKT. NO. 1461]**

on the parties stated below, by the following means of service (NOTE: ALL OTHER PARTIES WERE SERVED VIA ELECTRONIC TRANSFER TO THE CM/ECF SYSTEM):

**VIA U.S. MAIL**

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☒ **BY UNITED STATES MAIL:** I placed a true copy in a sealed envelope or package addressed to the persons as indicated above, on the above-mentioned date, and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this firm's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited with the U.S. Postal Service in the ordinary course of business in a sealed envelope with postage fully prepaid. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing set forth in this declaration.

I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Irvine, California.

1 ☒ **BY ELECTRONIC TRANSFER TO THE CM/ECF SYSTEM:** On this date, I  
2 electronically uploaded a true and correct copy in Adobe “pdf” format the above-listed  
3 document(s) to the United States District Court’s Case Management and Electronic Case  
4 Filing (CM/ECF) system. After the electronic filing of a document, service is deemed  
complete upon receipt of the Notice of Electronic Filing (“NEF”) by the registered CM/ECF  
users.

5  
6 ☒ I am employed in the office of George A. Nicoud III, a member of the bar of this court, and  
7 that the foregoing document(s) was(were) printed on recycled paper.

8  
9 ☒ **(FEDERAL)** I declare under penalty of perjury that the foregoing is true and correct.

10 Executed on February 14, 2017.

11 /s/ Matthew Parrott  
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